Bill assented to by His Highness the Maharaja.

Mr. T. K. Krishna Menon.—I have the honour to announce to the House that the Bill to amend the Cochin Nayar Regulation passed by the Council on the 27th of Meenam 1102 has received the gracious assent of His Highness the Maharaja on the 11th of Karkadagam 1102.

Voting of Demands for Grants.—(*Contd.*)

Demand No. XIV—Accounts and Finance—Rs. 32,254.

Mr. K. Krishna Pisharodi.—Sir, I rise to move for a grant of Rs. 32,254 under "XIV—Accounts and Finance."

The budget estimate mostly follows the revised estimate, and there are no important variations or new provisions which call for any remarks. The only item which may perhaps require an explanation is 'Temporary establishment' which shows a fall of about Rs. 1,000 as compared with the revised estimate, the increase in the latter having been due to the training of a Superintendent in the Accountant-General's Office.

Mr. T. A. Ramachandra Ayyar.—May I have some information, Sir? In page 45, the budget estimate for 1102 is Rs. 24,215. I would like to know how they arrived at that figure?

Mr. K. Krishna Pisharodi.—The budget estimate for 1102 is Rs. 24,215, but, the revised estimate is Rs. 22,200.

President.—In the budget estimate for 1102 alone we get an extra of Rs. 2,000 and odd. What was it provided for? Is it a mistake in the figure?

Mr. K. Krishna Pisharodi.—There was some mistake about calculation. That has been set right in the revised estimate.

President.—What would have been the correct figure—if there were a mistake?

Mr. K. Krishna Pisharodi—. To the best of my recollection, provision was made for revision of establishment; but it was not carried out.

President.—In 1102?

Mr. K. Krishna Pisharodi.—That was disallowed by the Government. There was an error in calculation also last year.

President.—Without the Government allowing the amount, you cannot include it.

Mr. K. Krishna Pisharodi.—I shall look into thei last year's file and give the information.

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President.—All these figures are scrutinised by the non-official Members. You are not able to take note of these. There was an error in calculation, in providing the amount last year. Instead of showing the correct amount, you showed a wrong figure.

Mr. K. Krishna Pisharodi.—This year it is all right. The revised estimate also is correct.

Mr. T. A. Ramachandra Ayyar.—If it is a mistake, I want to know whether any amount other than the correct amount actually lapsed.

President.—The correct amount will only be Rs. 22,000.

Mr. T. A. Ramachandra Ayyar.—Is it a printing mistake only? If not, it is serious that the premier audit office itself should commit such a mistake.

President.—I think the real expenditure could not be beyond Rs. 22,000.

Mr. K. Krishna Pisharodi.—It will not be utilised for any other work. It would be done only with the sanction of the Government.

Mr. T. A. Ramachandra Ayyar.—No transfer and nothing of that sort even with the sanction of the Government.

President.—It cannot be used except in exceptional cases without the sanction of the Government.

Mr. T. A. Ramachandra Ayyar.—Should not the Government get the sanction of the House also for transfer?

President.—Not necessary. Supposing this is an incorrect figure, we should not take advantage of the mistake and then say "the Council has consented to that expenditure." So the correct amount noted in the budget alone can be taken to have been sanctioned by the Council.

Mr. T. A. Ramachandra Ayyar.—Could an amount which is not sanctioned by the House be transferred?

President.—No; only such amounts as are sanctioned by the Council could be transferred.

Dr. A. R. Menon.—Can the Government sanction the transfer of an amount from 'Road Construction' to 'Buildings'?

President.—To transfer from one sub-head to another sub-head under the main head, Government have power. Only in the case of a transfer from one major head to another major head we should get the permission of the House.

Dr. A. R. Menon.—What will be the heading—major or minor—for 'Communications' and 'Public Buildings'? The budget estimate is passed for Rs. 2,00,000 for 'Communications' and Rs. 2,50,000 for 'Buildings.' Will the Government be

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justified in transferring amounts from 'Communications' to 'Public Buildings ?'

President.—Government have got the right. Government cannot exceed the total allotment; but, within the allotment, it is open to them to transfer from one head to another.

Motion No. 1.

Mr. A. B. Salem.—*To reduce the allotment of Rs. 4,410 for "Assistant Comptrollers, etc." by one rupee.*

Mr. A. B. Salem.—Sir, I have tabled this motion for the purpose of getting certain information, notice of which I have given on the back of my cut motion.

President.—What are the facts on the back of the cut motion?

Mr. K. Krishna Pisharodi.—What are the points?

Mr. A. B. Salem.—I want to know whether there is any amount of claims against parties in and outside the court, giving reasons.

President.—Do you refer to Mr. Kuehnel?

Mr. A. B. Salem.—I do not know whether Mr. Kuehnel has filed a suit.

Mr. K. Krishna Pisharodi.—Our office has no information about that, and this would not come under the Account Department, and this office can take it up only with proper sanction.

Mr. A. B. Salem.—I do not know which department can furnish this information. But I know there was a case pending in the Civil Court, Madras, against the Government for a small sum, and the Government has been spending large sums of money. I want to know that.

Mr. K. Achyuta Menon.—I do not know.

President.—To which department does this concern?

Mr. A. B. Salem.—I do not know which department; but I know there is a case pending.

President.—If you can specify the department, I can ask the Member to give the information.

Mr. A. B. Salem.—I think it is in the Engineering Department.

Mr. V. K. Aravindaksha Menon.—There was one case; that was in regard to some furniture. That was dismissed.

President.—Is it that furniture-case for which we spent a good lot of money, and in which we ultimately succeeded?

Mr. A. B. Salem.—I have no case against the large amount spent for the case. We should spend money for a principle.

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My next point is what amount of claims is under dispute or are under consideration now?

Mr. A. K. Vengu Ayyar.—I do not know whether you mean in all the departments together. We should always know, then only we will be able to supply you with the information.

President.—If you have a special case in view, we can give the answer. Without that, it will be difficult for us. You must bring in a specific claim or other where Government has not acted properly. Will you please mention what are those claims?

Mr. A. B. Salem.—What amounts of last salaries are due from Government, and if any are withheld?

Mr. A. K. Vengu Ayyar.—There is already a case, and that is of Mr. Kuehnel, the late Pottery Expert. That amount is not paid. He has transferred a certain amount from the Bohemian Bank, and necessary steps are being taken to recover the amount from Mr. Kuehnel.

Mr. A. B. Salem.—Through whom is action taken to recover the amount?

President.—Through the Austrian Consul at Bombay, and it is through his agency we are sending communications to Austria.

Mr. A. B. Salem.—To which Bank was the amount transferred?

Mr. V. K. Aravindaksha Menon.—The Czecko slovachia Bank.

President.—We have placed the matter with the Consul, and he could make a definite claim against him and remit the balance.

Mr. A. B. Salem.—You are corresponding directly with the Bank or through the Agent?

President.—Through the Agent, to the Bank and we are asking for his intervention to move the authorities in Austria or some other place to make a claim.

Mr. A. B. Salem.—Has not Mr. Kuehnel transferred his right upon his money or Government money so that Government may recover it only through the Agent?

President.—It is a long correspondence. I do not remember all the facts. There is somebody responsible to the Government.

Mr. A. B. Salem.—I am not upon that point. What I am saying is that, if Mr. Kuehnel has transferred his rights over the money to the Government, and if the Government is taking its own steps to recover the money from the Bohemian Bank, why it should be recovered from his salary.

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President.—This transfer is only a sort of adjustment. His transfer will only be a subject between him and the Government.

Mr. A. B. Salem.—Supposing an officer of the Government deposited some money in a bank in his name and when the question of his last salary comes up he is asked to transfer that amount and he transfers the receipt in the name of the Government. Still, will that officer's pay be withheld by the Government?

President.—That is a hypothetical case. So far as Mr. Kuehnel is concerned Government considered that he was not entitled to any money.

Mr. A. B. Salem.—I want also to know the total amount spent on the Harbour works by the Government. It is shown in the accounts as investments. They are not real investments, because you are not going to get any interest. It is expenditure by the Government. Therefore, to say that it is an investment is not correct. This concern may or may not pay you. If it is an investment, it must pay you.

President.—Is it a correct expenditure?

Mr. A. B. Salem.—It is a kind of capital expenditure. Suppose we invest this amount in a bank, then we expect to get back the capital as well as interest. Here we are not likely to get back the capital.

President.—When the Harbour begins to work, then we can realise this amount in three or four years. Even otherwise, we may transfer our right.

Mr. A. B. Salem.—What I am saying is you are spending some money upon Harbour and railways. It may be a capital expenditure. But you are never going to get the capital back. In the case of an investment, when you invest some money upon some security, you can get back the capital whenever you please and that with interest. In the case of Harbour and railways you will never get back the amount. For example, are you going to get back the amount from the Tramway? It is lost. So it will not be right to show in the accounts that it is an investment for the purpose of showing a surplus. You are really taking into account that which is not with you.

President.—It should be treated as a loan to the Harbour works. We must understand how much we have invested in the harbour works, what percentage we are going to get back, etc., just as we are doing in railways.

Mr. A. B. Salem.—For calculation purposes it is alright. I wish to point out that in counting our surplus it would not be proper to record it as money lying somewhere. That is not correct to my mind. I may be wrong.

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Mr. K. Krishna Pisharodi.—It was only a final adjustment.

President.—It is only when the harbour works are completely over that we will be in a position to know how much has been invested. Then the question will arise whether it is to be treated as investment or expenditure.

Mr. A. B. Salem.—I only wanted to bring it to your notice.

Mr. K. Krishna Pisharodi.—This was already discussed in one of the previous meetings.

Mr. A. B. Salem.—May I know how many lakhs are lying in this precarious condition?

Mr. K. Krishna Pisharodi.—That is stated there

Mr. A. B. Salem.—Suppose the whole thing is gone. Even then it is only an expenditure which has to be written off. There is that consolation. I wish to know what is the total amount that lie in this category

Mr. V. K. Aravindaksha Menon.—Suppose you invest some money in a bank and the bank becomes insolvent?

Mr. A. B. Salem.—Then you will lose it.

President.—There is some risk in all such undertakings.

Mr. A. B. Salem.—How much of our money is in this condition in the surplus budget?

Mr. K. Krishna Pisharodi.—It is only six and odd lakhs up-to-date.

Mr. A. B. Salem.—I withdraw my motion, Sir.

President.—Next, Mr. Nunez.

Motion No. 2.

Mr. S. F. Nunez.—*To reduce the allotment of Rs. 22,274 for "Office establishment" by one rupee.*

Mr. S. F. Nunez.—I withdraw my motion.

President.—The question before the House is that the demand for Rs. 32,254 under 'Accounts and Finance' be voted for by the House.

The motion was put to the vote and carried.

Demand No. XV—Law and Justice—Rs. 1,52,292.

Mr. K. Achyuta Menon.—Sir, I rise to move for an allotment of Rs. 1,52,292 under "XV—Law and Justice." This amount is in excess of that for the current year by Rs. 1,868. If any explanation is necessary for this increase I am ready to give. I have got all the details here ready.

Motion No. 1.

Mr. George Chakyamuri.—*To reduce the total allotment of Rs. 2,46,400 under "Demand No. 15—Law and Justice" by one rupee.*

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Mr. George Chakyamuri.—I rise to move for a reduction of one rupee in the total allotment. My purpose in tabling this motion is to draw the attention of the Government to two or three important points. The first and the most important point to which I want to draw the attention of the House is a certain decision of the Chief Court regarding certain *kuries* which are, of course, known to the Members of this House and which are subscribed by thousands of people. I need not go into the details. The ticket holder is to subscribe Re. 1 for a fixed period, and then towards the end, if any person gets the prize, he need not subscribe any more, and, of course, towards the end he is paid the actual amount. *Kuries* of this nature have been consistently declared by the Chief Court to be lotteries and they are also penal. I cannot understand why our Government is not taking any action in the matter. Another point is about the Company's Regulation. More than 20 persons cannot join together, and carry on a business for gain, and if they do like that, it is illegal. It has been brought to my notice that there are a number of *Samajams* in the villages having a member-ship of 100 or 150 which carry on some business or other, and our Government is entering into contract with those *Samajams*. I do not want to pronounce any opinion about the legality or illegality of the *Samajams* as some of the cases are pending in the Chief Court. I request the Government to look into the matter. There are some *Samajams* in Ayyampilli, Chakkara Kadavu and Puthan Padom, etc., intended for the protection of paddy cultivation and they afterwards enter into a contract with the Government. These *Samajams* are, in my view, illegal and the Government are entering into contract with them and thereby encourage the public to do business. When the public come to court to realise the money they find that they are not able to realise the amount. Government will be pleased to look into the matter. The third point which I want to bring to the notice of the House is about the pay of the Magistrates. This has been brought to the notice of the House, and I understand that the matter has been referred to the Special Finance Committee. The pay, as it is, is very meagre, compared with the reponsibilities of their office and the amount of work that they have to do. Very often a Magistrate is invested with additional first class powers—the Cochin Magistrate was given that power—but unfortunately only additional responsibility is given and no additional pay. Unless you give him something more to eat and to maintain his family, it is rather too hard. Therefore, I request that the Government will be pleased to look into the matter.

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Mr. A. Sankara Puduval.—I desire to avail myself of this opportunity to make a few suggestions for the consideration of the Government. With regard to the Anjikaimal Additional Court we find that even copies of the Cochin Law Reports have not been supplied to the court, not to speak of the I. L. R. Series, and both the Judges have to manage with one set of Law Reports. If, however, all the I. L. R. Series cannot be supplied now, Government may at least be pleased to supply all the Cochin Law Reports and Unrepealed Regulations to the Additional Court.

Mr. A. K. Vengu Ayyar.—Some are out of stock.

Mr. A. Sankara Puduval.—As many as are available may be supplied. And the remaining may be supplied when printed.

Another point that I wish to bring to your notice is regarding the scanty accommodation in both the Ernakulam and the Cochin Munsiffs' Courts. This point was adverted to at the Meenam session. Please vide pages 1108 to 1109. The President was then pleased to observe that this matter might be brought to the notice of this House at the budget session, and that we have got a right to discuss the point then. The location of the Ernakulam Munsiff's Court by the road-side is not very desirable. Government may be pleased to shift it to some other place. The scanty accommodation also causes inconvenience to the litigant public, the office establishment and the vakils.

The third point is with regard to the lot of the poor old copyists both in the Civil and the Criminal Courts. It was during the time of Diwan Mr. Pattabhi Rama Rao that they began to be paid a fixed salary of Rs. 20. This old set of copyists, of whom some are now in service, do not get any pension or gratuity. That is a very sad state of affairs. I request Government may be pleased to consider their case. There are only a few of them, and they may receive some sympathetic consideration at the hands of the Government.

The fourth point is in regard to the inspection of our Panchayat Courts. These courts are now under the Superintendent of Agriculture. They have judicial functions also. The Munsiffs, though invested with revisionary powers, do not conduct any inspection of the Panchayat Courts. I would suggest that the Munsiffs may be directed to inspect the work of these Panchayat Courts, say once a year. Such inspections would improve the quality of work done by these courts.

President.—As a matter of fact, the registers, etc., of the Panchayat Courts are inspected by Munsiffs.

Mr. A. Sankara Puduval.— But they do not go to the courts. My request is that the Munsiffs may be directed to go

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and inspect the courts. That would be a wholesome practice which, I believe, would conduce to the efficient working of these courts.

President.—That can be done.

Dr. A. G. Menon.—I wish to bring to the notice of this House the difficulty to which the Chittur public are put for want of a separate Registrar and separate Magistrate. By the amalgamation of these two functions in one and the same officer, too much difficulty is experienced by the Chittur Taluk people, and, if possible, the Nemmara Munsiff's power of taking small cause cases may be raised. The work is too heavy. In certain months of the year the registration work too is very heavy. The Chief Court suggested that the Nemmara Magistrate should be divested of his Criminal and Judicial Powers. Then the Nemmara people will have to go to Chittur; thereby they will be put to great hardship.

President.—My difficulty is that, if the Chittur Magistrate is divested of his criminal work, he will have hardly any work.

Dr. A. G. Menon.—Heavily worked Magistrates may be sent to Chittur. That may be kept as a holiday post.

Mr. E. Ikkanda Wariar.—One point that I wish to bring to the notice of this House is with regard to the insufficiency of accommodation in the Trichur Magistrate's Court.

President.—Everywhere the complaint is regarding want of accommodation, and yet you ask use not to spend money on buildings.

Mr. E. Ikkanda Wariar.—There is no serious objection to spending money on buildings which are absolutely necessary.

The Trichur Magistrate's Court is conducted in a low roofed building, and at the same time, a decent rent is paid for it. Now that there is a surplus, a portion of it may be spent for the erection of a new building.

Dr. A. R. Menon.—See, the District Magistrate's Court is held in a rented building, and we have got a surplus budget!

True, we raised some objection to spending money on buildings which are not absolutely necessary. Nobody would have raised any objection to putting up a new building for holding the District Magistrate's Court.

Mr. V. K. Aravindaksha Menon.—We have not been constructing any building which are not necessary, nor have we been lavishing any money on ornamentation. In regard to the Ernakulam Girls' High School, I can challenge anybody in this House, if he can produce a building suitable for the girls for less than what I am spending.

Dr. A. G. Menon.—Unfortunately, my opinion is that the beauty of the building is lost by its facing to the east.

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Mr. V. K. Aravindaksha Menon.—The open space is only on the eastern side.

Dr. A. G. Menon.—It has no veranda.

Mr. V. K. Aravindaksha Menon.—It was purposely done. Two small porticoes are to be built.

Dr. A. G. Menon.—There is no trace on the wall for putting up porticoes.

Mr. V. K. Aravindaksha Menon.—We cannot judge of a building during construction.

Mr. O. R. Chummar.—Better accommodation has to be given for the Additional District Judge of Anjikaimal also as it is at present located in a very small room. The Judge's private chamber is anything but satisfactory. So also for the Official Receiver of Anjikaimal better accommodation has to be given. Insolvency peittions are increasing, and unless a suitable place is given to locate the office of the Official Receiver, the systematic working of the office will suffer. We have been hearing that courts have been located in rented buildings. But this is a case in which there is no place at all to locate the office.

President.—Suppose the first grade college is shifted to Anappara, then I think there will be ample space.

Mr. C. Matthai.—We have an idea of starting a Technological Institute when the Harbour develops. Cochin will be the place for an institution of that kind. My objection is we need not create supply before there is demand. But the demand will come and then there is absolutely no objection to our putting up buildings.

Mr. O. R. Chummar.—But that will take years. At least one small building may be constructed, so that the Additional District Court and the Munsiff's Court may be accommodated and provision can be made for the Official Receiver also.

President.—Is it impossible now?

Mr. V. K. Aravindaksha Menon.—But we are filling the whole town of Ernakulam with buildings

President.—That is another difficulty. The place will become congested. Of course, supposing you put this reclamation scheme into effect, you are likely to get a very large area.

Mr. O. R. Chummar.—Then at least some building may be rented till then.

President.—We tried to rent a building for the Munsiff's Court, but we did not get it. Then what about the omission on the part of the Government, to enforce the Act regarding lotteries?

Mr. K. Achyuta Menon.—Of course there is the decision of the Chief Court and we are bound by the decision.

President.—When was the decision?

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Mr. K. Achyuta Menon.—It is now about six months. But I humbly submit that the matter is not beyond doubt—— I say that not out of disrespect to the decision of the Chief Court but to justify the so-called inaction of the Government in prosecuting these persons. But there are conflicting decisions. There is a decision of the Madras High Court that persons who conducted lotteries under the honest impression that it is a legal transaction should not be proceeded against criminally.

Mr. O. R. Chummar.—The Chief Court decision may be reviewed.

Mr. K. Achyuta Menon.—That is the justification I offer for not prosecuting these persons.

President.—But subsequent to the passing of this decision, has any lottery been started?

Mr. K. Achyuta Menon.—Not to the knowledge of the Government.

President.—So differential treatment is required in regard to lotteries which have been started before the decision and those which may be started hereafter.

Mr. K. Achyuta Menon.—Then I think I must clear some misapprehension. All associations which consist of more than 20 members need not be registered under the Companies Act. That is one of the essential conditions. The Pallippuram Samajam is not one for the purpose of making gain. There is one Krishi Samajam for the purpose of improving their agriculture.

Mr. George Chakyamuri.—My information is they are making thousands of rupees and they have entered into a contract with the Government.

Mr. K. Achyuta Menon.—Because they entered into a contract with the Government, it is not for making profit. Suppose it is for putting up a bund which will protect all their paddy lands. They might incidentally get profit. But the question is what is the object of the Samajam? It is not to get profit. I shall read the definition, if necessary. "No company, association or partnership consisting of more than 20 persons shall be formed for the purpose of carrying on any other business that has for its object the acquisition of gain by the company, association or partnership or by the individual members thereof unless it is registered as a company under this Act".

It is not enough if the association get something. The object of the association must be for making gain. That is a very disputable point. So, to blame the Government for not taking action, is not proper.

Mr. George Chakyamuri.—I do not think it is proper for the Government to enter into contract with the Samajam.

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പ്രസിഡെണ്ട്.—മിസ്റ്റർ കൃഷ്ണൻ. അടുത്ത കാലത്ത് വാലന്മാരും മറ്റുംചേർന്ന് "വെസ്റ്റ് കോസ്റ്റ് ഫിഷറി" എന്ന പേരിൽ ഒരു കമ്പനിപോലെ ഒരു സംഘം ഉണ്ടാക്കിയിട്ടില്ലെ

മിസ്റ്റർ കെ. പി. കൃഷ്ണൻ.—ഉവ്വ്. ഉണ്ടായിട്ടുണ്ട്.

പ്രസിഡെണ്ട്.—അതു് ഒരു ആദായക്കമ്പനിയായിട്ടോ സമുദായത്തിന്റെ കഷ്ടതകളുടെ പരിഹാരത്തിനായിട്ടോ?

മിസ്റ്റർ കെ. പി. കൃഷ്ണൻ.—പ്രധാനമായി സമുദായത്തിലെ അവശതകളുടെ പരിഹാരത്തിനായിട്ടതന്നെ.

പ്രസിഡെണ്ട്. ലാഭവുംകൂടി ഉദ്ദേശിച്ചിട്ടില്ലെ?

മിസ്റ്റർ കെ. പി. കൃഷ്ണൻ. ഉവ്വ്. സാരമായ ഉദ്ദേശംസമുദായാഭിവൃദ്ധിയാണു്. അതിൽകൂടെ ആദായേച്ഛയും അന്തർവിച്ചിട്ടുണ്ട്.

മിസ്റ്റർ കെ. അച്യുതമേനോൻ. ഉള്ളിലുള്ള ഉദ്ദേശം ലാഭംകൂടി വേണമെന്നായിരിക്കും. അതിനെ നാം സാരമായി വിചാരിക്കാനില്ല.

മിസ്റ്റർ എം. കെ. രാമൻ. സമുദായം നന്നാകണമെങ്കിൽ പണവും കൂടിയേ തീരു. അതുകൊണ്ടു് പണവും കൂടി ഉണ്ടാക്കേണ്ടതുതന്നെ വരും.

പ്രസിഡെണ്ട്. അതൊക്കെ പ്രൈമറി ഓബ്ജറ്റുകളായി കരുതാനെ തരമുള്ളു.

Mr. K. Achyuta Menon.—Then with regard to other points raised. There may be some good effect in the inspection of the Panchayats by the Munsiffs. Then about accommodation. The accommodation in some of the courts here is quite insufficient. If funds are available this matter may be looked into. The accommodation in the Additional District Court is absolutely miserable. You cannot argue, you cannot hear anything, you cannot move. The clerks will be making all sorts of noise and there is absolutely no control over the clerks.

President.—That is a very unsatisfactory state of affairs. Then, so far as the Munsiff Court is concerned, first they wanted to come as near as possible to the District Court and the Chief Court, and they never cared about inconvenience and accommodation. Now, having come near, objections are raised.

Mr. K. Achyuta Menon.—In the present row of buildings we have got sufficient space for the courts if only sufficient accommodation is provided for the clerks.

President.—Mr. Aravindaksha Menon, without interfering with the artistic beauty of the building, can we make any extensions on the eastern side of the present block?

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Mr. V. K. Aravindaksha Menon.—That will interfere with the decent appearance of the building.

Mr. C. Achyuta Menon.—Even at present, the appearance is not particularly artistic.

Mr. M. K. Raman.—Can we not have the present Anchal office for the Munsiff's Court?

Diwan Bahadur Dr. V. Verghese.—I am told that the Anchal office and the building now occupied by the Anchal Superintendent are ear-marked for the Chief Medical Officer's quarters.

Mr. O. R. Chummar.—The Municipal office may be transferred to the Munsiff's Court and the Munsiff's Court may be shifted to this side.

President.—But they want to be near the District Court and the Chief Court. They may not agree to that. The Chief Engineer had a proposal to have a building of combined officers. Let us wait and see which place can be utilised.

Then we will pass on.

Mr. George Chakyamuri.—I do not understand the position of the Government with regard to the lottery business, i. e. whether the Government proposes to take any action in the matter. Thousands of people are put to trouble on account of this. I suggest that the Government may appoint some officer in the grade of a Tahsildar to wind up these *Kuris*. Otherwise these people cannot realise the amount. The Government should go to their rescue. Otherwise where is the rescue for these poor people?

President.—What I want to point out is whether they will be justified in conducting the *Kuri* since it has been declared illegal.

Mr. K. Achyuta Menon.—No. They won't be.

Mr. George Chakyamuri.—Then how are they to get the amount if the *Kuris* are not wound up?

Mr. K. Achyuta Menon.—They have to go to the wall. There is absolutely no remedy. They cannot go to the Civil Court. We cannot go to their safe-guard. The object of the Member for Palluvirutti cannot be attained. He wants the poor subscribers to be saved by the Government collecting the amount. That is impossible unless the Government uses pressure by saying "I will prosecute you if you don't pay." I do not expect the Government will say that.

Mr. George Chakyamuri.—Government can say "we will prosecute".

Mr. K. Achyuta Menon.—That we cannot say.

Mr. George Chakyamuri.—Is it not open to the Government to invest an officer with special powers to wind up these *Kuries* and collect the amount?

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President.—No. Then, do you want to press the motion ?

Mr. George Chakyamuri.—I withdraw.

The demand under 'XV Law and Justice' of Rs. 1,51,294 was put to vote and carried.

President.—Then 'Demand No. XVI Jails'—Rs. 41,259.

Demand No. XVI—Jails—Rs. 41,259.

Mr. A. K. Vengu Ayyar. Sir, I rise to move for a grant of Rs. 41,259 under "XVI Jails". Enhanced provision to the extent of Rs. 1, 379 has been made and this can be accounted for as follows.

From the experience of the present year it is found that the provision for the diet of prisoners has to be raised and hence Rs. 500 has been additionally provided. A sum of Rs. 1,500 has also been provided for the purchase of new fire arms for use in the Central Jail. The present weapons have become obsolete and it is not possible to get ammunition required for them. Hence it is proposed to purchase 25 weapons. Against the above increase, reductions of about Rs. 500 and 150 have been made from the normal provisions under "Miscellaneous" and "Clothing" respectively, as compared with the figures for 1102.

I hope that the House will sanction the whole demand in full.

Motion No. I.

Dr. A. R. Menon.—*To reduce the allotment of Rs 44,400 under Demand No. XVI by one rupee.*

Dr. A. R. Menon. Sir, I beg leave to move this token motion to effect further reforms in the jail administration and for that to appoint a small committee to go fully into the question.

Sir, I am the only one who has given a cut motion in this department, because people are generally afraid to meddle with jail administration, since those who come forward to speak something to ameliorate the condition of prisoners are open to the charge of being faddists and cracks. Just as we have got many of our friends here known by special appellations as the Member for Jaggery, the Member for Excise and the Member for Khaddar, so it is my intention to be the member for Jail. (*Laughter.*) I have brought to the notice of the Government last year one or two points connected with the jail administration, and I took particular care to point out to this House that nothing is more evil to my mind than that I should either directly or indirectly, either by open expression or otherwise, cast any reflection upon the administration of that department. I went out of my way and spoke what I conceived to be right. I spoke in high terms of the way in which the administration of the department was conducted. Sir, there in the Jail Department

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you have not got a fiery and fierce looking man to manage the prisoners, but a gentleman who is solicitous for the welfare of these prisoners and who realises his obligations to them just as he does his duties for their discipline. The punishment in the jail, you will notice, has been reduced to a very great extent; prisoners are not managed by rod of iron but by those qualities which will appeal to their mind rather than to their physique, and the present Superintendent has been able to impose discipline and also to give as much peace as he possibly can to the poor and cold walls of the Central Jail. Therefore, it should not be understood that I have anything against him, and the remarks that I made last time I feel even now. If ever there is justification for extending the period of an officer from the point of view of public utility, there is a case for extension.

President.—Which officer are you referring to ?

Dr. A. R. Menon.—I refer to the Superintendent of Central Jail, Mr. Labouchedere. Mind you, I do not know him and I have no relation with him apart from a mere acquaintance. It so happened that I had ample occasion to go into the Jail and enquire, and find out the real conditions existing in that place, and the Superintendent has been courteous enough to extend to me all the facilities knowing that I do not go there out of idle curiosity.

Sir, at a time when all the world over the spirit of reformation is spreading, and Governments after Governments are considering how they could lighten the lot of the prisoners, how they could reclaim them instead of simply inflicting punishments on them, I say, when they devise measures in all the places, even in this country, India, for example, in Bengal, in the Punjab, and, I believe, in the Central Provinces, is it not time for us also to appreciate and keep abreast of them in this matter ?

The objects of punishment in Jail are generally speaking, two in number. One is to produce a deterrent effect not only upon the prisoner but also upon others who are inclined to be evil-doers, the argument being that the punishment inflicted upon one man will be an object lesson to others, and this will keep people back from doing crime. I accept that contention, for physical pain and physical fear are elements which ought to be counted in discussing this matter. But the primary fact—the fundamental object in sending a man to Jail—is not to punish him, but to reclaim him back to society, and this part of the duty on the part of the Government must override the other part. The punishment side should also be reformatory

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and all our actions should be guided with a view to reclaim these people. I do not deny that there are people beyond reclamation and redemption and their only place is the cell. But the honest part of the society, the law-abiding part of the society must be protected and it is only if such hopelessly bad characters are properly dealt with that the full effect of the protection will come to play. But it is my honest conviction, it is my firm conviction that there are as many honest and good-natured men within the four walls of the jail as there are outside. I shall give you one or two instances, because, when I come and plead before this House for the formation of a committee, I should be in a position to convince them of the necessity, the reason, and the purpose for which such a committee is asked to be appointed. There was a gentleman there who was convicted of murder. It so happened that he belonged to a very respectable family, and on the day he bequeathed all his property to his wife, the same night he saw her in the hands of her paramour. In a fit of temper he drew his knife and plunged it into her bosom. He was charged for the offence of murder, and our judges—humane judges—in spite of all pleas that they could resort to, was compelled to sentence him to imprisonment for life. For twelve years he was in this Jail and at the time I saw him he was suffering from consumption. Slowly and slowly I believe, representations were made to the Government, and the Government was kind enough to let him out year before last. That is one case. There is another case of another man who was convicted of a similar offence. On the spur of the moment, he drew his knife—and he was drunk—and plunged it into another man, and he was convicted of murder. This man was an ignorant, illiterate man when he came to Jail, but in 14 years' time he learned to read and write. He studied Tamil and Malayalam and what is more, English also. At the time I saw him he was engaged in making some musical instruments. Now, a man who can apply his mind to such things, who has got the perseverance even in the most adverse circumstances, to learn not only one but three languages, can you call him a confirmed criminal, a dangerous, hopeless fellow who ought to be kept out of society? Such cases do occur now and then. Now, Sir, what we want to know is whether the Government will appoint a committee, so that it may review the conditions existing in other countries and submit a report to the Government so that the Government may consider and frame such laws and regulations as they may consider necessary. It is for that that this motion is brought forward. Sir, there is an obligation on the part of every Member of this House to such

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men. Here are men, within the four walls of the jail, men who are practically slaves and, in some cases, even innocent men are confined to jail. I cast no reflection upon any one. Conditions being such and, as you have observed many and many a time that human beings are not infallibles, such great mistakes may sometimes be committed. A committee which has power to review these conditions and make necessary recommendations to the Government, will be doing humane service to that section of prisoners which deserves such consideration; and I hope this question will be considered in a friendly and a sympathetic and in a generous spirit. Sir Benjamin Franklin, who is a great authority on this subject, observed that what is wise is just, and what is humane, wise, and justice in the long run is the best policy for the Government to pursue and should constitute the foundation for any legislation that they undertake. I cannot say anything more on the subject than this, expressed by one who has practically devoted the whole of his life for jail reformation. I request the House to accept this resolution, and I request the Government also to consider this request of mine to appoint a small committee consisting of two or three members. I have purposely omitted one fact—we do not ask that it should be a committee composed of the Members of this House—the Government may appoint their own committee consisting of two or three men, and if such a committee is constituted I shall be ready to place before them such information as would enable them to effect certain reforms.

Mr. S. F. Nunez.—Sir, I rise to second this motion. During the last two budget sessions there were cuts in my name pertaining to the administration of the jail. Sir, I took an interest in our jail problem because the present Superintendent of the Jail as well as the late Superintendent are my personal friends, and from talks with these two people I happened to know many things about jail administration. And I feel, indeed, a pride in acknowledging and expressing the fact here in this House that the material condition of the jail, the cleanliness, the equipment, the good treatment meted out to the prisoners are due to the fact that at the helm of the jail administration we had two excellent men—Mr. Augustus, the retired Jail Superintendent and Mr. Labouchedere, the present Superintendent.

Sir, though in point of sanitation, in point of diet, and in point of several other things, which conduce to the material comfort of the prisoners, our jail is indeed a model one, still there are several things to be done by way of moral elevation of the prisoners that are locked up there. Perhaps, there may be an idea that once a man commits crime, is convicted and

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sent to jail, he should be permanently ostracised from human society, and that there is no obligation on our part to reclaim these criminals. But such ideas are now lost for ever, and the civilised world thinks that the first offenders especially should be weaned from their criminal habits, and the only practical way of weaning the first offenders from criminal habits is to isolate them from confirmed criminals. There should be a sort of segregation.

Besides this, we should have some sort of provision made to give facilities to criminals in the jail for reading—and to induce them to take interest in reading. There should be a sort of literary or reading room. Occasionally, lectures should be given to the prisoners, so that they may repent their past actions, and, if possible, become once more useful members of society.

Dr. A. R. Menon.—To avoid all these calamities, to help these unfortunate criminals, these reforms should be carried out. The Provincial Government of the Punjab had a Jail Committee The report was submitted, and what we gather from the newspapers is that the Government has taken action in the light of the report. Here also much could be done in that direction. You must appoint a committee, so that Government may act according to the conclusions which may be arrived at by the committee.

President.—Do you think that there are reforms to be effected to improve the jail administration? Are there any defects brought to your notice?

Diwan Bahadur Dr. V. Verghese.—I inspected the jails and made a report. I found they were (aright) I am notable to detect any administrative flaw in the jail administration, but I can entirely concur with the noble sentiments expressed by the mover who moved this motion, that every effort should be made to better the condition of the criminals. Some small reforms are to be made in the case of sub-jails. There is only one Central Jail and the sub-jails are, in number more and the latter are not under supervision. There is a great deal to be done in the matter of sub-jails by the committee. (*Hear, hear*) The retention of this committee is only required for a short period. We have only to compare all the defects pointed out and see the defects existing in our own jails, and the work is not of a taxing nature. After all, the scope for enquiry is very limited.

Dr. A. R. Menon.—What I want is that a permanent committee be appointed to reform these criminals, to reclaim them to society. Let the Government nominate the members.

President.—Before the necessary reforms are effected, a preliminary investigation may be able to tell you that a perma-

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nent board of 2 or 3 may be of use to the Government. We will leave the public to make the necessary recommendation, and this is a move in the right direction. I think the Government will agree with the motion.

Diwan Bahadur Dr. V. Verghese.—The Government of India have issued an exhaustive report regarding the present reforms made in the administration of jails.

President.—Peruse those reports, see how the evils were removed and what were the circumstances.

Mr. C. Achyuta Menon.—I am a frequent visitor of the jail, and I take interest in the jail administration. There are several improvements to be effected—not of a verys erious nature, but minor ones—which the Jail Superintendent could effect without the sanction of the Government. If the committee is appointed, it will help us a good deal in this line.

Mr. A. B. Salem.—I want to contribute two words. Last year it was prominently brought to the notice of the Government regarding the absence of a Discharged Prisoners Aid society in the State. This year Government should form one such society. A similar kind of society even exists in British Cochin. Our Hon'ble Member for Mattancheri is a member of that society and he will enlighten us regarding the working and use of it, and I think that it will not be difficult to form such a society in 1103.

President.—What is the amount required?

Mr. S. S. Koder.—Very small. Rs. 500 will be too much. People will also contribute.

President.—Let the people form the society and ask the Government for contributions.

Mr. A. B. Salem.—The initiative should be taken by the Government to from the society. It is done so in Madras. Why not ask the co-operation of Mr. Koder?

Mr. S. S. Koder.—The Government will nominate 2 or 3 members andsupply them with the necessary books and what all are necessary. When the prisoners come out of it, we will try to give them some employment and to improve them. We had two instances, and found them to be successful.

Diwan Bahadur Dr. V. Verghese.—Madras Discharged Prisoners Aid Society recognised its use and they work by giving moral supporl.

President.—So, the Government may give the society some aid. How is the society constituted?

Mr. S. S Koder.—Members are nominated by the Government but the other details of the work are left to the society. Whatever we want they give us. It would not be above Rs. 500. In British Cochin the Deputy Collector is a member.

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Mr. A. B. Salem.—And the next thing is I visited the jails several times during the last year. I noticed in the hospital of the Central Jail several cases of Beri Beri. I enquired what this Beri Beri was and came to know that when the criminals were taken into the jail, they were healthy but after some days their legs became thinner and thinner. Some say it is due to the diet. Then I enquired about their diet. They are given rice and curry but the vegetable curry is prepared in one and the same manner and no variety of any kind is introduced in the food. I do not ask to treat the jailbirds with different kinds of curry. If you give one curry, why not make the same curry in a different manner? It will not cost much. The present order is never to change. You need not spend more. If you spend 2 annas a prisoner a day, you need not spend more than that. You can vary the curry within it. That would save the situation.

Dr. A. R. Menon.—There is variety.

Mr. A. B. Salem.—To my knowledge there is no variation as far as the vegetable diet is concerned, and if I am wrong I would be too glad to hear that.

Another point I would like to observe is the absence of any attempt to impart moral instruction. From the number of prisoners undergoing rigorous imprisonment 356 are for less than 6 months. There are some of these people going there for no offence of theirs. So those, who can morally be improved, should not be allowed to mix with others. So there should be some differentiation. The existence of a Discharged Prisoners' Aid Society would help a great deal to improve the situation.

I would like the Hon'ble Member for Medicine to give us some enlightenment as to why the expenditure in the hospital is mounting up. The absence of any expenditure to impart moral instruction is conspicuous.

Then the mixing up of the habituals and the casuals must be condemned. I have been just looking into the report. I tried to get the figures. In the report of 1101 you find there are a number of prisoners undergoing less than six months' imprisonment. Now these six months people are generally mixed up with the habituals and they become contaminated with the atmosphere of the habituals. Most of these people are taken there for no offence involving moral turpitude for minor offences as assault, etc., in anger. That is a point Government can easily consider and rectify even before the committee's report comes. I think that all these minor things, Government can do themselves and as regards the point of difference, I heartily support the motion.

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You must know, Sir, that in our State, we have got the smallest number of persons in the jails. About 175 in number, out of a population of 10 lakhs, is a very negligible quantity, and therefore, Sir, we must see whether we cannot come to a time when all our people are law abiding. By the process of instruction we must try to improve their character and make them repent their past actions.

Dr. A. R. Menon.—I beg to withdraw the motion on the assurance given by the Government. I make a personal request that this committee may be appointed as early as they possibly can.

Srimati. T. Madhavi Amma.—One word about the society. In this connection, I may also suggest that one female member may also be appointed in this committee to investigate the cases of women victims and to instruct them.

Mr. A. Sankara Puduval.—May I know, Sir, whether the Cochin Government is getting the jail administration report of Bengal either for price or for exchange ? The report prepared by the Raja of Ahmedabad is supposed to be the Jail Administration Report. This was accepted by the Madras Government.

Mr. A. K. Vengu Ayyar.—We don't get it here.

President.—As regards this Beri Beri, what is it ? Is it due to the same monotonous food and curry?

Diwan Bahadur Dr. V. Verghese.—The food has been most carefully examined by scientific physiologists and the prisoners are given a proper proportion of the various elements of food required for them. As regards that, there is no flaw, but Beri Beri is supposed to be a disease due to want of nutrition now recognised generally to the use of highly polished rice where the external coat which is supposed to contain vitamines, &c., is lost. This disease is prevalent on the east-coast Rajamundry, Coconada where the civil population also suffer to a considerable degree—all supposed to be due to the use of highly polished rice. In my visit to the jails I found many people suffering from Beri Beri. I at once suggested to the Superintendent of the Jail to try unpolished rice. They were making their own rice, not polished rice. They were buying paddy and making their own rice. They tried that for nearly six months and sometimes after, I received a report saying that it was doing good, but finally that it was found it was not doing any remarkable good. The Civil Surgeon has suggested giving plantains, and cocoanuts in curries. Now I had a doubt if plantains and cocoanuts would be a successful preventive against Beri Beri. So I had a correspondence with the Director of Public

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Health who obtained the opinion of the greatest authority on Beri Beri in India. He wrote to me to say that I might try the experiment of giving whole meat wheat-flour to the diet of the prisoners which was successfully tried in Rangoon Jail.

Dr. A. G. Menon.—On a point of information. Is Beri-Beri common on the west-coast?

Diwan Bahadur Dr. V. Verghese.—Not common.

Dr. A. G. Menon.—In Cochin?

Diwan Bahadur Dr. V. Verghese.—None in the civil population.

Dr. A. G. Menon.—In criminal population or floating population?

Diwan Bahadur Dr. V. Verghese.—I cannot understand what is meant by criminal population.

Dr. A. G. Menon.—What do you mean by the civil population?

Diwan Bahadur Dr. V. Verghese.—By civil population, I meant all those who are outside the jail.

Dr. A. G. Menon.—When I said criminal population, I meant those who are inside the jail.

Diwan Bahadur Dr. V. Verghese.—Colonel Macarrison has recommended whole meat, wheat-flour i.e., wheat without removing its outer coat. Then I wrote to the Superintendent what the cost would be, because in the matter of reform economy must be kept in view. He wrote to say that the cost will be exactly double. For the last two weeks another experiment of giving one meal of raw-rice cooked in the fashion of that done in the temples is being tried. If the prisoners have any objection, I shall put a stop to it. It will take six months or a year before I can give an opinion about its utility. No doubt, the matter is engaging our attention.

Dr. A. G. Menon.—You mean raw rice or cooked rice?

Diwan Bahadur Dr. V. Verghese.—Raw rice.

Dr. A. G. Menon.—There is a difference between raw rice and cooked rice, *puzhungal and onakhal.*

President.—Another point raised by Mr. Salem is that the expenditure in the jail hospital is mounting up.

Diwan Bahadur Dr. V. Verghese.—There are a large number of patients who are suffering from this Beri Beri and so the diet expense is mounting up. There was another complaint raised that the cost of medicine was rather high.

Mr. A. B. Salem.—That has been explained to this House.

Diwan Bahadur Dr. V. Verghese.—I have taken care to see that the expenditure on medicine would be much less.

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The question of the mover having the leave of the House to withdraw his motion was put to the votes and was carried.

The question of granting the allotment of Rs. 41,259 under "XVI—Jails" was put to the vote and was carried.

President.—We will now rise for lunch.

The House rose for lunch at 2 p. m. The House met again at 3 p. m.

Demand No. XVII—Police—Rs. 1,85,223.

Mr. Sheik Abdul Qadir Sahib Bahadur.—Sir, I rise to ask for a demand of Rs.1,85.223 for Police. I am glad, Sir, that my task has come last. The House had sufficient opportunities to hear my colleagues who preceded me with higher demands and get used to it. I am sure, Sir, that this demand will not find any difficulty in getting itself passed through this House. I am thankful to the Hon'ble Member for Trichur who made a short reference to my department in a few words pregnant with meaning. He gave a short hint to me "Why don't you, belonging to a department which stands for the preservation of peace and order, come up with a higher demand to improve the department? We are here to support it." This again encourages me that my modest demand will not meet with any opposition from this House. The demand is for Rs.1,85,223. There is an increase in the allotment as compared with that of last year. The increase is explained by the fact that Rs. 6,000 has been provided for a new Motor boat as the old one was sick for a long time and finally disposed of by public auction. There is a further provision of Rs. 300 for Police Sports and other minor things and you will find therefore that the present demand is about Rs. 8,000 more than that of last year. In the matter of clothing, the Revised Estimate for 1102 was Rs. 15,200 and the budget estimate for this year (1103) is Rs. 16,700. This is explained by the fact that provision is made for the supply of lathees to police constables. In other respects, Sir, I have not got much to explain. The figures are almost the same as last year. One word of explanation I should mention before I close. In the revised estimate under "Miscellaneous" you find an expenditure of Rs. 4,400 as against Rs. 2,600, budget estimate for 1102. This is due to the cost of training of certain officers sent to Vellore and the cost of telephone, etc. With these few remarks I beg that the House will be pleased to pass the demand asked for.

President.—Any information necessary on any point?

Mr. E. Ikkanda Wariar.—On page 9 of the budget in the receipt column of the Police Department I do not find the amount realised by the Commissioner of Police by giving brake certificates. I do not know why it is not included. Is it collected by the Government or is it collected by the Commissioner of Police personally?

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Mr. Sheik Abdul Qadir Sahib Bahadur.—The rules are clear on the point. In the Motor Vehicles Act it is laid down, "the Commissioner of Police is entitled to get the brake certificate fees'.

Mr. E. Ikkanda Wariar.—My potint is not that the Commissioner receives the amount. Let the Commisioner of Police get as much as possible. My concern is only to know whether that amount should not find a place in the Government accounts or whether it goes to the Commissioner direct or not and, whether any receipts are given for them. My opinion is that the Government must have some record to show as to what amount the Commissioner collects.

President.—If he is entitled to get it, why should the Government be curious to know how much he receives?

Mr. E. Ikkanda Wariar.—It may be useful in this way. Suppose the Government think that the work could be entrusted to a specially qualified man who will carry out the work more satisfactorily. Should not the Government know whether that institution will be self supporting? In that case the Commissioner will be relieved of this work. He has ample work to do at present.

President.—If the Government do not think so?

Mr. E. Ikkanda Wariar.—It may be that the Government does not think so at present. But suppose I want to make a concrete proposal to the Government to that effect and in making that proposal I want to know whether it would be a paying concern and whether the Government can without any extra expenditure undertake it. Should I not have the requisite facts and figures? If I remember right, the Madras Government is doing that.

Mr. Sheik Abdul Qadir Sahib Bahadur.—No, Sir.

Mr. E. Ikkanda Wariar.—The same question was raised in the Madras Council and what the Government said was—if I remember right—that if it is found that the amount collected by way of brake certificate fees is sufficiently large as to cover the expenses of keeping a separate establishment, then the Government are prepared to do it.

President.—I do not remember anything about it. Is it your point that the Commissioner of Police is over-burdened with work and that he cannot do this work with justice; or is it your point that the Commissioner has enough of pay and that he should not get any further remuneration in the matter of issuing brake certificate or are the people put to inconvenience?

Mr. E. Ikkanda Wariar.—My point at present is only that the amount must be shown as receipts by the Government in the budget so that the Government and the public may know

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what amount is collected on this account. It may be paid to the Commissioner of Police. I have not the slightest objection to that.

President.—That is an unnecessary work for the Government to do. If the Commissioner is entitled to get remuneration, we do not want to know how much he gets.

Mr. E. Ikkanda Wariar.—My suggestion is that this opinion must be changed.

President.—That is only a difference of opinion.

Mr. N. Padmanabha Menon.—I want to know whether the Commissioner of Police exercises any control over the plying of steam launches just like he exercises control over motor buses.

Mr. Sheik Abdul Qadir Sahib Bahadur.—I have control over the carrying of transport. All other things are looked into by the Canal Department. Of course, if there is over-loading, the Commissioner of police or a Police constable can prosecute. But it is directly under the Canal Department.

Mr. N. Padmanabha Menon.—Traffic must be regulated not only by the number of persons that are carried by vehicles but also by the time of their arrival and departure. I understand in 1102 there were many cases charged by the police on account of troubles from owners of rival companies. I want to speak something more on the subject which I shall do when my turn comes.

President.—What function have you to discharge in connection with the matter of transport of passengers?

Mr. Sheik Abdul Qadir Sahib Bahadur.—If two rival companies give trouble, then the matter comes under the Penal Code and the Police can interfere in the matter and prosecute them. Otherwise the whole thing goes under the Canal Department. So far as time for departure and arrival, etc., is concerned we have no control.

President.—That is, if there is any violation of any rule or law, then you can take up the matter. That is the procedure.

Mr. N. Padmanabha Menon.—What I want to know is whether the object of interfering with the bus traffic does not apply to the motor and steam launches also.

President.—His question is this. So far as motor buses are concerned, you enforce these rules. Why don't you use the same control over the transport by water also?

Mr. Sheik Abdul Qadir Sahib Bahadur.—There is no objection to have control. We do not interfere simply because the Canal Department exists.

Mr. N. Padmanabha Menon.—I myself brought a particular case to the notice of the Commissioner last Thursday. I

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was myself in one of the boats and there was about to be a bad collision and the boat would have sunk. I wrote to the Sub-Inspector of Police and brought it to the notice of the Commissioner pointing out the advisability of the Police Department having some control over these boats.

Motion No. 1.

Mr. A. B. Salem.—*To reduce the allotment of Rs. 16,700 for "Clothing" by one rupee.*

President.—Motion No. 1, Mr. A. B. Salem.

Mr. A. B. Salem.—I have tabled this motion to call the attention of the Government that the present District Magistrate, who has been trained for the Police Department, has come back and is shifted to the Judicial Department. He was already a Judicial Officer at the time he was taken for training and several questions were asked in this House as to why such a step was taken hurriedly without the candidate being sufficiently well selected with publicity, etc., and the answer was that the Government were feeling the necessity for having these people urgently trained and that they could not wait for all these things and they were also satisfied that they were the proper and fit candidates for training as police officers and they were trained and brought back. Then comes the difficulty in providing for these people. When he comes after the training he is kept to rest in some other department. To put "a round man in a square hole and a square man in a round hole" is not good. If a police-trained person is kept in the Police department, of course, his training will grow. Otherwise, whatever training he has, he is liable to rust as everything else. I cannot understand why Mr. P. N. Menon, who has been trained for police work, is not introduced into the Police department.

President.—What can he do in the Police department?

Mr. A. B. Salem.—You may appoint him as Assistant Commissioner, or you may give him any other designation.

President.—That will be a burden on the exchequer. Why should you want an Assistant Commissioner?

Mr. A. B. Salem.—Why did you train him then?

President.—We trained him just to appoint him as Commissioner of Police when that post becomes vacant

Mr. A. B. Salem.—It is an indefinite term. There is no use of keeping him in another department.

President.—He is competent to that post also. Training is good for all purposes, not only to the Police department. Training at Vellore is a thing which every one would like to have. To the present District Magistrate's post also it will be useful.

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Mr. A. B. Salem.—Three persons have been trained.

President.—Two of them have been already appointed as Inspectors. We are only talking about Mr. P. N. Menon. He was trained for this work in order to enable him to be appointed as Police Commissioner.

Mr. A. B. Salem.—He was trained for the Commissioner's post. What was the difficulty in keeping him in the Police department itself?

President.—He was trained for the Police Commissioner's post. But that post was not vacant when he returned after training.

Mr. A. B. Salem.—So, you intend putting him in that post as soon as vacancy arises?

President.—Yes. We will give him the first chance. We must have a trained officer ready in our State to meet any emergency.

Mr. A. B. Salem.—I thought that as soon as he comes here he will have a place in the Police department. Otherwise, there was no necessity for such hurry to get him trained. The Government ought to have known at least one year before his training period expired and he ought to have been provided as soon as he came back. Otherwise what happens is when he comes back after training he is left without a place, and there is indefiniteness about it.

President.—He has got a place. He is the District Magistrate.

Mr. A. B. Salem.—But now he is rusting in some other department.

President.—I know that he is not likely to give up the benefit of his training in Vellore and we are sure that he will be up-to-date when he comes to take up the Police Commissioner's post. Mr. Salem, do you press your motion?

Mr. A. B. Salem.—No, Sir, I withdraw.

Motion No. 2.

Mr. E. Ikkanda Wariar.—*To reduce the allotment of Rs. 1,97,363 for "Police Proper" by one rupee.*

Mr. E. Ikkanda Wariar.—I withdraw the motion in view of the explanation given by the Police Commissioner.

Motion No. 3.

Mr. S. F. Nunez.—*To reduce the allotment of Rs. 1,97,363 for "Police Proper" by one rupee.*

Mr. S. F. Nunez.—I withdraw.

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Motion No. 4.

Mr. E. Ikkanda Wariar.—*To reduce the total allotment of Rs. 2,06,100 under "Demand No. XVII" by rupees 100.*

Mr. E. Ikkanda Wariar.—I beg leave to move for the reduction of the total allotment of Rs. 2,06,100 under "Demand No XVII" by Rs. 100. My object in doing so is to bring to the notice of the Government the wide—spread complaints that are generally heard against the present administration of the Police Department. If I remember right the Hon'ble Member for Trichur complained about the want of better physique for the police subordinate officers. He said that they are not so smart looking as the Head of the Department. But my complaint is quite a different thing. My complaint is the lack of something within, I mean, their *morale*. I say that the *morale* of the present police should be considerably improved. Those of us who have anything to do with the Magistrate's court work know the difficulty of getting proper and correct police reports. That difficulty is becoming greater and greater every day and it is in the air that only persons who have got a long purse can get correct reports.

The average *morale* of the police is deteriorating gradually and immediate steps should be taken to improve it.

President.—The first thing is to increase their pay.

Mr. E. Ikkanda Wariar.—No increase of pay is necessary. Proper check and control would be sufficient. Let us have some good, honest men. Let us have men who are above temptations. Even for Rs. 12 we can have good and honest men You can get hundreds of School Finals who are going about the country without any work and who, I am sure, will eagerly take up this work if offered.

President.—So, do you mean that School Finals alone need be appointed as constables?

Mr. E. Ikkanda Wariar.—I want only persons of some character.

President.—Is it practicable? How to find out morally well behaved persons who are above temptations ? The question is whether this is possible.

Mr. E. Ikkanda Wariar.—If you are earnest about it, if you care for the good of the people, there will be no difficulty. I know, in a limited sphere, how to keep my servant and when he becomes dishonest I find absolutely no difficulty to get honest servants on a low pay of Rs. 4 or 5 and meals. It all depends on the way in which they are treated.

President.—The servant is moving about your limited person. Here constables have to move in the whole State. Only a general supervision is possible.

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Mr. E. Ikkanda Wariar.—I may also have to send them in distant places at times. There are Sub-Inspectors and Head Constables for you to keep close watch over the constables.

President.—The question is quite right and I have considered this question You dismiss one to get another bad one. Again he goes his way. You get dis-satisfied and get another one. This sort of punishment goes on.

Mr. E. Ikkanda Wariar.—Some selection should be made. Much depends upon the selection of proper men and the way in which you keep them.

President.—All that is good to say but to carry out in practice it is beset with great difficulties.

Mr. E. Ikkanda Wariar.—May I then take it, Sir, from you that it is difficult for you to get men of the right type as police constables ?

President.—I mean so.

Mr. E. Ikkanda Wariar.—Is that the considered view of the Government ? May I take it, Sir, that the Government find it very difficult to get good men for the police, and to keep them under control ? I think it comes to that.

President.—You may then take it to be so.

Mr. E. Ikkanda Wariar.—Then, Sir, it is a very rotten state of affairs. There is something rotten somewhere and the sooner you mend it, the better for the Government and the governed.

President.—Don't use such expressions.

Mr. E. Ikkanda Wariar.—When the Government confesses that they are unable to control their officers, keep them honest, straightforward, I cannot but help using such expressions. In fact I do not find stronger words to express my feelings at such state of affairs. It must be a pitiable state indeed when the Government confesses its inability as that. I expected that the Government would tell me that they would investigate this question and that they would see that these officers are kept under proper check. I am surprised and pained at this mentality of the Government.

President.—Nothing wrong in the mentality of the Government. What is the use of internal fight ? Please stop. If you have facts to place let them be placed and not this sort of un necessary criticism.

Mr. E. Ikkanda Wariar.—Does it mean that I should stop my speech altogether or that I should stop speaking on this aspect?

President.—You may go on if you have anything else to say.

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Mr. E. Ikkanda Wariar.—Another difficulty experienced by the public is this. Since the introduction of motor buses in the State it is becoming increasingly difficult for the people engaged in that business to carry on their services honourably on account of the vexatious interference and annoyance and trouble from the police. (*Hear, hear.*) As a rule the police are placing themselves under obligations to the bus owners and make it very difficult, very delicate for them to enforce the rules strictly. If the latter does not yield to the unjust demands of the former, they know how to treat them and we find even responsible police officers indiscriminately prosecuting innocent people who fail to oblige them. This occurs every day and it is becoming a nuissance to the public.

Dr. A. R. Menon.—I wish the Commissioner of Police would do well to give strict orders not to drive the cars speedily in towns for, it is becoming a nuissance to the public interests. Cases should be prosecuted now and then. I have represented once to him about this and he has promised to take steps. I wish to remind him in this connection.

Mr. N. Padmanabha Menon.—I think that there are rules laid down and specific times fixed for the arrival and departure of motor buses at different places. The rule is often over-looked. People thinking that buses will be leaving the place at fixed times come there and they either do not get any motor bus or when they reach the railway station they miss the train and are put to great inconvenience. So I request that these rules should be enforced as regards arrival and departure of buses in the various centres.

Mr. Sheik Abdul Qadir Sahib Bahadur.—I strongly repudiate the charge of the deterioration of *morale* brought against my subordinates. Sir, so far as I know I have no reason to think so, but on the other hand there is a marked improvement in respect of the *morale* all round. Facts will prove it. Before I accepted the post 2 years ago there was a large number of complaints against the policemen. If you take the figures now and compare you will find that they have fallen considerably. This does not support any charge of deterioration; it is easy to stand before this House and make sweeping remarks unsupported by facts; but it is unfair, unjust and unsportsmanly in the extreme. I am really very sorry to hear such sweeping remarks. It may be that there are black sheep in the large herd I have to tender and where are they not?

The Hon'ble Member holds that the motor rules are too strictly enforced and the poor busmen are put to great inconvenience; that they live by their earnings and they should be treated with indulgence. Side by side with this appeal to sentiment is a voice heard from the other corner that the rules should

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be more strictly enforced. Another member bemoans that buses do not run in time and they should be chastised. When opinions are so conflicting I think the best thing to do is to use one's own discretion and act strictly thereby.

The rules of the Motor Act were never enforced before. Only during the last two years they have begun to see the light of day. Men are detained to check the motor traffic in towns and large number of prosecutions have been undertaken.

No complaint has been received that passengers are put to inconvenience for buses failing to run in time.

Sometimes bus drivers take out licenses to run specials to accommodate a marriage party or to meet any other emergency; it is quite possible that the regular service would be neglected on such occasions; but it is rare.

Diwan Bahadur Dr. V. Verghese.—Every railway has got a guarantee from the Government, and so the Government can impose restrictions on them. But here, what can we do? What help does the Government give to this industry? However, I think the Commissioner of Police has been using discretion with the greatest moderation possible.

Mr. V. K. Aravindaksha Menon.—I am really surprised at the efficient manner in which they are conducting the services. We all know the difficulty to keep a motor car in good condition. And then they have to run the buses at stipulated times, to make necessary repairs whenever necessary, to have a number of servants and all this with their limited resources.

Dr. A. R. Menon.—The only difficulty is that people cannot walk along the public streets on account of the rash driving of their buses.

Diwan Bahadur Dr. V. Verghese.—I do admit that. That must be put down.

President.—You want the motion to be put, Mr. Wariar?

Mr. E. Ikkanda Wariar.—No. I withdraw.

The motion was, by leave, withdrawn.

Motion No. 5.

Mr. C. A. Ouseph.—*To reduce the allotment of Rs. 2,06,100 under "Demand No. XVII" by one rupee.*

Mr. C. A. Ouseph.—Sir, I do not move the motion.

The Demand under "XVII—Police" was put to the vote and passed.

Cranganur Budget.

President.—Now we shall take up the Cranganur Budget.

The following Demands for Grants in the Cranganur Budget were put from the Chair and were voted for by the House.

I—Land Revenue—Rs 9,990.

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IV—Excise—Rs. 2,800.
V—Stamps—Rs. 1,275.
VI—Registration—Rs. 2,012.
VII—Anchal—Rs. 1,265.

Demand No. VIII—General Administration—Rs. 1,390.

Mr. A.K. Vengu Ayyar.—Sir, I rise to move for a demand of Rs. 1,390 under "General Administration, Cranganur." This is only the cost of establishment and leave allowance to be paid to clerks in the Secretariat, the Comptroller's Office and the Diwan Peishkar's Office. I request the House to vote for the Demand.

President.—There is a cut motion standing in the name of Mr. N. Padmanabha Menon.

Motion No. 1.

Mr. N. Padmanabha Menon.—*To reduce the total allotment of Rs. 1,390 under "Demand No. VIII" by one rupee.*

Mr. N. Padmanabha Menon.—Sir, my object in tabling this token motion is to call the attention of the Government to the justice of Cranganur getting the rebate on Ganja and Opium. We get contribution from salt, and we get a portion from the ferry collection between Cranganur and Mukundapuram. On the analogy of these things and on every other consideration we are entitled to get the rebate on Ganja and Opium.

President.—So far as the rebate on opium is concerned we shall see to that from next year.

Mr. N. Padmanabha Menon.—When the Standing Finance Committee was discussing the budget the Government has promised every consideration regarding this matter, and I believe the Government will find its way to grant this request.

President.—Mr. Vaidyanatha Ayyar, I think this demand is reasonable, you will see to it.

Mr. C. A. Kunjunni Raja.—On a point of information. On Education we spend very nearly 30 % under Cranganur whereas the percentage of expenditure under the same head in the State is 17. There is a complaint that there is no necessity for spending so much on Education.

Mr. C. Matthai.—This is brought about because it is a small taluk and still we have High schools there for boys and girls. We thought of abolishing the Girls' High school, but there was serious agitation for it. The Member for Cranganur will support my statement.

Mr. N. Padmanabha Menon.—I was discussing this matter with the Director of Public Instruction and he gave me an assurance—and I think he is acting up to that assurance—

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that he will send only Lower Grade teachers to that High school so that the expenditure may be brought down. The facts are these. When the High school was started there was sufficient strength, but on account of some reason or other which we cannot definitely understand there is a fall in the strength. In fact the two higher classes do not contain enough girl pupils. The Lower Secondary classes have a sufficient number of pupils.

Mr. C. Matthai.—Even the higher classes are improving.

Mr. N. Padmanabha Menon.—We can decide the question of abolition in two years.

President.—But once, we have started that High school, it will create great heart-burning to the people if we take away the school. I think some representation was made to me that the Girls' High school at Cranganur is not a real necessity.

Mr. C. A. Kunjunni Raja.—In Vadakkancheri and Tiruvilluamala, the girls are admitted in the Sirkar Boys' High school.

Mr. C. Matthai.—That was what was being done in Cranganur also. But there was a complaint against that.

President.—The difficulty is, having begun that, are we justified in taking it away?

Mr. C. Achyuta Menon.—Besides that there is every chance of the number increasing by the girls at Goturutti coming and joining in this school.

Mr. N. Padmanabha Menon.—I withdraw the motion, with your leave, Sir.

The motion was allowed to be withdrawn.

The demand was put and passed. The following were put from the Chair and granted by the Council.

IX—Law and Justice—Rs. 8,905.
X—Jails—Rs. 290.
XI—Police—Rs. 7,580.
XII—Education Rs. 50,941.
XIV—Medical Rs. 2,619.
XV—Vaccination—Rs. 520.
XVI—Sanitation and Conservancy Rs. 4,060.
XVIII—Public Works.—Rs. 20,390.

Motion No. 1.

Mr. N. Padmanabha Menon.—*To reduce the total allotment of Rs. 20,390 under 'Demand No. XVIII' by one rupee.*

Mr. N. Padmanabha Menon.—This has been tabled only to call the attention of the Government to the urgent necessity of opening the Kavil Canal. As the whole question has been enquired into by the Chief Engineer I do not wish to reiterate

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the necessity for it. I believe I can expect from the department favourable consideration.

President.—At what stage is it now?

Mr. V. K. Aravindaksha Menon.—The estimate is under preparation. The work is a desirable one, but the difficulty is lack of funds.

Mr. N. Padmanabha Menon.—I may be allowed to make a suggestion. There is provision for the improvement of the road to the north of Kavil market. Anyhow that work cannot be completed in one year. There is an allotment of Rs. 5,000. Half of that allotment may be transferred to this work.

President.—If Mr. Kunhu Muhammed had been here he would have offered a stout resistance. Suppose you divide the amount, can the work be carried out by next year?

Mr. V. K. Aravindaksha Menon.—We have to acquire some lands.

President.—The people may have some consolation that the Government are earnest in this matter and they have started the works. Starting is one thing and actual doing is another. The work may be started in both the places. If you have not got enough funds we shall have the vote of the House for more.

Mr. V. K. Aravindaksha Menon.—Yes.

Mr. C. A. Kunjunni Raja.—This is exactly like the Indian debate in the House of Commons. Now very many Members are absent.

President.—Do you want this to be put on an earlier date?

Mr. C. A. Kunjunni Raja.—No.

Mr. N. Padmanabha Menon.—I withdraw my motion.

The Demand for Public Works was put to the vote and carried.

The following Demands also were put from the Chair and carried.

Demand No. XIX—Miscellaneous—Rs.2,000.

Demand No. XX—Stationery—Rs. 600.

Demand No. XXI—Industries—Rs. 2,060.

President.—That is all. Our work is over.

Hon'ble Members of the Cochin Legislative Council, in bringing the proceedings of this Legislative Council budget session to a close I wish to say that this has been a budget session in which the non-official Members of the House have for the first time shouldered the responsibility (*Hear, hear.*) of reducing by substantial cuts the provisions made by the Government and as a result, a reduction of Rs. 93,030 has been made in the total allotment of Rs. 73,63,300 provided by the Govern-

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ment. I have resolved to give due respect to the voice of the people of Cochin (*Hear, hear.*) as represented in this Council and will not restore the provision partially or totally unless I am thoroughly satisfied that in the interests of responsible administration by the Government such a course is necessary. (*Hear, hear.*)

In regard to the conduct of the proceedings of this session, generally I am glad to say that it has been on the whole satisfactory; and I must acknowledge with gratitude the deference shown to the Chair by one and all of the Members of this House. If in particular instances, you have not found your way in accepting the correctness of my rulings you have always given me credit for my honesty of purpose and sincerity of conviction. (*Hear, hear*). The Progressive Party has, by nominating specific speakers in respect of various motions for consideration in the House paved the way for quickness in the despatch of Council business and I recognize that we have made a good use of our valuable time and we did not allow our time to be frittered away in the making of lengthy and numerous speeches involving constant repetition of the same matter. I must thank the Leader of the Progressive Party for having co-operated with me heartily in getting through the Council business as quickly as possible. He made my task less exacting and arduous. In the matter of the proceedings of the afternoon sitting, of Saturday last, when I had to be absent from the Chair, I had to exercise my thought on the constitutional question raised by the discussion on that day. The *Council Law*, as it stands at present, *does not confer any right on any Member of this House to move a vote of Censure or no confidence* on any of the officers of His Highness' Government. Such motions are unjust and *ultra vires*. That is opposed to all constitutional principles, having regard to the constitution under which we are working I am sorry that this mistake has been committed, and I am taking steps to have this mistake rectified. I may probably have to expunge all the remarks in connection with this matter from the Proceedings of the Council.

I thank one and all of you heartily for showing all possible consideration to me and supporting me in the conduct of my onerous duties as President of this Legislative Council. You, on your part, had strenuous work both inside and outside the Council and I would most sincerely advise you to take sufficient rest before you launch into further strenuous work.

I wish you God speed.

I now prorogue the Council,

Mr. V. K. Kochunni Menon.—I may be allowed to say one word with regard to the proceedings of Saturday. That

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motion was not made as a vote of censure. But only a remark was made as such.

President.—I forgot to say 'either directly or collaterally, such things ought not to be repeated on the floor of this House'. That is my sincere opinion and it should not be allowed.

Dr. A. G. Menon.—Sir, on behalf of my party I take this opportunity to tender our grateful thanks to you for all the kind words you have expressed on our behalf. (*Hear, hear.*) Unfortunately I am not keeping sufficient health to give a long or detailed speech this evening and further, almost all the Members here are disgusted with the work and they want to clear off the House as early as possible. Under these circumstances, I take this opportunity again to thank you for all the kind words you have put in on our behalf.

President.—Then there is one thing: I suppose you won't ask me to lengthen the days of the sitting.

Dr. A. G. Menon.—That is a different affair. Wen it is extended, then he will be under the impression that we are to sit here till that day. If the sitting were to continue for 12 days that will end in Saturday and so every Member will come with that view. Now that the business is over, they think like this. We do not grudge to sit for another two or three days.

Mr. C. Achyuta Menon.—On behalf of the non-official Members wo have not the privilege of being the Members of the Progressive Party I beg to thank you, Sir, in association with the Leader of the Progressive Party and I associate with him in remarking that at the fag end of this session it will be very wearisome to all if I make a speech.

President.—Thank you.

The House dispersed at 4-5 p. m.

T. K. KRISHNA MENON,
Secretary to the Council.

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